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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,129	12/28/2001	Barry Edward Schliesmann	209650-00009	1610

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,129

Applicant(s)

SCHLIESMANN ET AL.

Examiner

Sumaiya A. Chowdhury

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-22-02</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

or

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-9, are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui (2005/0086688).

As for claim 1, Omoigui discloses:

A system for generating alerts to events in a program not currently being viewed comprising:

a user preference application (410 – Fig. 7) for capturing information on which programs a user wants to monitor and what events a user wants to be alerted to – [0084];

a data feed (210 – Fig. 6) containing event information about the programs selected for monitoring – [0071] – [0074];

an alert generation application (22 – Fig. 4) which compares the data feed event information to the captured user preferences and generates an alert for the user for each event that matches a captured user preference – [0059], [0078].

As for claim 7, Omoigui discloses the captured user preference information is stored to a persistent storage device (28 – Fig. 4; [0058], [0084]).

As for claim 8, Omoigui discloses wherein the data feed contains event information about a sports program – [0035], line 18+, [0066], line 9+.

As for claim 9, Omoigui discloses wherein the data feed contains event information about the financial markets (business news; 206 – Fig. 5; [0065, line 4+]).

3. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Knee (5589892).

As for claim 18, Knee discloses a system for automatically mapping data feed information to a specific viewing channel comprising:

a data feed containing at least one program identifier (unique identifying code; col. 46, line 57- col. 47, line 17);

an electronic program guide having at least one program identifier (unique digital identifier) and program viewing channel information – col. 36, lines 51-61.

a mapping application (application which correlates EPG data with data from data feed) which automatically compares the data feed program identifier information with the program guide program identifier information and for each data feed and program guide having similar identifiers, maps the data feed to the program guide so that the data feed information is mapped to a specific viewing channel - col. 46, line 57- col. 47, line 17.

4. Claims 2-4, 6, 10-11, 13-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over as applied to claims 1 and 10 above, and further in view of Ozkan (5946045).

As for claim 2, Omoigui fails to disclose:

an electronic program guide having viewing channel information; and
a mapping application which maps the data feed event information to a specific viewing channel.

In an analogous art, Ozkan teaches:

an electronic program guide having viewing channel information; - col. 10, lines 47-49.

a mapping application which maps the data feed event information (video programs) to a specific viewing channel – (The video programs are mapped to their associated channel – col. 10, lines 52-58).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Omoigui's invention to include an electronic program guide having viewing channel information and a mapping application which maps the data feed event information to a specific viewing channel, as taught by Ozkan, for the advantage of automatically mapping programming to their associated channel.

As for claim 3, Omoigui and Ozkan disclose the claimed limitations. In particular, Omoigui discloses:

an alert generation and tuning application which compares the mapped event information to the captured user preferences, generates an alert for the user for each event that matches a captured user preference and provides a mechanism for the user to tune to the program which the alert concerned – [0059], [0040].

As for claim 4, Omoigui and Ozkan disclose the claimed limitations. In particular, Omoigui discloses the provided mechanism for tuning is a generated user interface which provides a prompt allowing the user to tune to the program which the alert (notification) concerned – [0040], lines 6+.

As for claim 6, Omoigui and Ozkan disclose the claimed limitations. In particular, Omoigui discloses the provided mechanism for tuning is a generated user interface which provides a prompt allowing the user to view the program which the alert concerned in a picture-in-picture display –(A notification (alert) is sent to the user which

allows the user to choose if s/he would like to view the program in a PIP display [0040], line 6+).

Claim 10 contains the limitations of claims 1, 2, and 3 and is analyzed as previously discussed with respect to those claims.

Claim 11 contains the limitations of claim 4 and is analyzed as previously discussed with respect to that claim.

Claim 13 contains the limitations of claim 6 and is analyzed as previously discussed with respect to that claim.

Claim 14 contains the limitations of claim 7 and is analyzed as previously discussed with respect to that claim.

Claim 15 contains the limitations of claim 8 and is analyzed as previously discussed with respect to that claim.

Claim 16 contains the limitations of claim 9 and is analyzed as previously discussed with respect to that claim.

As for claim 17, Omoigui teaches a system for generating alerts to events in a program not currently being viewed comprising:

means (406 – Fig. 7) for capturing information on which programs a user wants to monitor and what events a user wants to be alerted to – [0084];

a data feed (210 – Fig. 6) containing event information about the programs selected for monitoring – [0071] – [0074];

means (22 – Fig. 4) for alert generation and tuning which compares the mapped event information to the captured user preferences, generates an alert for the user for each event that matches a captured user preference and provides a means for the user to tune to the program which the alert concerned – [0059], [0040].

However, Omoigui fails to teach:

means for mapping data feed event information to a viewing channel;

In an analogous art, Ozkan teaches:

means (12 – Fig. 1) for mapping data feed event information to a viewing channel – col. 10, lines 52-58;

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Omoigui's invention to include means for mapping data feed event information to a viewing channel, as taught by Ozkan, for the advantage of mapping information to its associated channel in order to notify the user of a particular desired event.

Claim 19 contains the limitations of claims 1, 2, and 3, and is analyzed as previously discussed with respect to those claims.

Claim 20 contains the limitations of claim 4 and is analyzed as previously discussed with respect to those claims.

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omoigui and Ozkan as applied to claims 3 and 11 above, and further in view of Blackketter (US 2005/0196136).

As for claim 5, Omoigui and Ozkan fail to disclose the provided mechanism for tuning is a generated user interface which provides a prompt allowing the user to record the program which the alert concerned.

In an analogous art, Blackketter teaches that a generated user interface provides a prompt to allow the user to record the program which the alert concerned for the advantage of allowing the user to watch the recorded program at a later convenient time— [0035].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Omoigui and Ozkan's invention to include that a generated user interface provides a prompt to allow the user to record the program which the alert concerned, as taught by Blackketter, for the advantage of allowing the user to watch the recorded program at a later convenient time.

Claim 12 contains the limitations of claim 5 and is analyzed as previously discussed with respect to that claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


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